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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 BRYAN POLLESTAD,

13 Defendant.
14

Case No. CR20-88RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

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16 This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial
17 and Pre-Trial Motions." (Dkt. # 81). Having considered the facts set forth in the motion, and
18 defendant's knowing and voluntary waiver (Dkt. # 82), the Court finds as follows:

19 1. The Court adopts the facts set forth in the unopposed motion: specifically, that
20 defense counsel is currently representing defendant in another case in this district (No. CR20-
21 137JCC) and the parties require additional time to either negotiate a global resolution or, in the
22 alternative, to try the No. CR20-137JCC case first. Furthermore, defense counsel requires
23 additional time to review the voluminous discovery in this matter. The Court accordingly finds
24 that a failure to grant a continuance would deny counsel, and any potential future counsel, the
25 reasonable time necessary for effective preparation, taking into account the exercise of due
26 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

27 2. The Court finds that a failure to grant a continuance would likely result in a
28 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL - 1

1 3. The Court finds that the additional time requested between the current trial date of
2 April 3, 2023, and the proposed trial date of September 18, 2023, is a reasonable period of delay.
3 The Court finds that this additional time is necessary to provide defense counsel reasonable time
4 to prepare for trial, as defendant has requested more time to prepare for trial, to continue to
5 investigate the matter, to gather evidence material to the defense, and to consider possible
6 defenses. The additional time requested between the current trial date and the new trial date is
7 necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial,
8 considering all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has signed a waiver indicating that he has been advised of his right to a
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
14 that right and consented to the continuation of his trial to a date up to and including October 18,
15 2023, Dkt. # 82, which will permit his trial to start on September 18, 2023.

16 IT IS HEREBY ORDERED that the trial date shall be continued from April 3, 2023 to
17 September 18, 2023, and pretrial motions are to be filed no later than August 7, 2023;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of April 3,
19 2023, up to and including the new trial date, shall be excludable time pursuant to the Speedy
20 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting
21 of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
22 (h)(7)(A), and (h)(7)(B).

23 DATED this 22nd day of March, 2023.
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27 Robert S. Lasnik
28 United States District Judge